

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | Case No. 8:05CR74 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| PHILLIP P. FIGURES, |) | |
| |) | |
| Defendant. |) | |

A hearing was held on July 5, 2005, in the above matter. Present were counsel for the defendant, Donald Fiedler, and counsel for the government, Jennie Dugan-Hinrichs. The defendant indicated in open court that he was not ready to proceed with the change of plea hearing. Therefore, the court is scheduling this matter for trial.

IT IS ORDERED that jury trial for the defendant, Phillip P. Figures, is scheduled before the undersigned in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **August 15, 2005, at 8:30 a.m.** Since this is a criminal case, the defendant shall be present, unless excused by the court. If an interpreter is required, one must be requested by the plaintiff in writing five (5) days in advance of the scheduled hearing.

The ends of justice will be served by granting the parties' request for a continuance, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the change of plea hearing to the newly scheduled trial date, namely, **July 5, 2005, through August 15, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 5th day of July, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge